

REPORT CONCERNING JEFFREY E. EPSTEIN'S CONNECTIONS TO HARVARD UNIVERSITY

Diane E. Lopez, Harvard University Vice President and General Counsel

Ara B. Gershengorn, Harvard University Attorney

Martin F. Murphy, Foley Hoag LLP

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INTRODUCTION

On September 12, 2019, Harvard President Lawrence S. Bacow issued a message to the Community concerning Jeffrey E. Epstein's relationship with Harvard. That message condemned Epstein's crimes as "utterly abhorrent . . . repulsive and reprehensible" and expressed "profound regret" about "Harvard's past association with him." President Bacow's message announced that he had asked for a review of Epstein's donations to Harvard. In that communication, President Bacow noted that a preliminary review indicated that Harvard did not accept gifts from Epstein after his 2008 conviction, and this report confirms that as a finding. Lastly, President Bacow noted Epstein's appointment as a Visiting Fellow in the Department of Psychology in 2008 and asked that the review address how that appointment had come about.

Following up on President Bacow's announcement, Vice President and General Counsel Linda Lopez engaged outside counsel, Martin F. Murphy of Foley Hoag, to work with the Office of the General Counsel to conduct the review. Ms. Lopez also issued a message to the community outlining two ways for individuals to come forward with information or concerns about Epstein at Harvard: anonymously through Harvard's compliance hotline and with attribution to an email account established for that purpose. Since September, we have interviewed more than 40 individuals, including senior leaders of the University, staff in Harvard's Office of Alumni Affairs and Development, faculty members, and others. We also collected and conducted targeted searches and reviews of more than 250,000 pages of documents, including records from the development office and, pursuant to procedures the University adopted in 2014 and amended in 2015, from a number of faculty and staff.¹ There were eight reports to the hotline and sent in by email, and we followed up on the issues raised in these messages as part of our review. We are grateful for the many who spoke with us and who brought forth their concerns about this matter.

This report summarizes the principal facts we have learned in the course of the review, and our recommendations based on those findings. Our findings and conclusions are drawn from (and therefore necessarily limited by) the documents we reviewed and credible information provided by the individuals we interviewed.

¹ See "Policy on Access to Electronic Information," https://hwpi.harvard.edu/files/provost/files/policy_on_access_to_electronic_information.pdf.

SUMMARY OF PRINCIPAL FINDINGS

FINDINGS CONCERNING EPSTEIN'S FINANCIAL SUPPORT OF HARVARD

1. Between 1998 and 2007, before his 2008 conviction on charges relating to soliciting minors for prostitution, Epstein made \$9,179,000 in gifts to Harvard to support Harvard faculty members and programs. Epstein's gifts to Harvard included \$736,000 in support provided before his 2006 arrest but before his 2008 conviction. The largest of his gifts, a \$6.5 million gift in 2003, established Harvard's Program for Evolutionary Dynamics ("PED"), led by Professor Martin Nowak. Epstein's \$6.5 million gift to PED enabled Harvard and Professor Nowak to create and pay for a separate research facility for PED in a Harvard Square office building leased from a private owner.
2. Harvard accepted no gifts from Epstein after his 2008 conviction. Drew G. Faust became Harvard's President on July 1, 2007. After taking office, President Faust decided that Harvard should no longer accept gifts from Epstein. We have been unable to determine precisely when she made that decision, but records indicate it was no later than November 2008. In 2008, a few faculty members asked Harvard to reconsider the decision not to accept contributions. Then-Dean of the Faculty of Arts and Sciences Michael D. Smith rejected that request.
3. After 2008, Epstein took steps to interest other donors in supporting research at Harvard. Between 2010 and 2015, donors whom Epstein introduced to Professor Nowak and Harvard Divinity School Professor George Church provided \$7.5 million to support Professor Nowak's work and \$2 million to support Professor Church's work. Our review did not reveal anything to establish that the money these donors provided came from Epstein rather than from other donors. The donors denied that Epstein directed their donations to Harvard.

FINDINGS CONCERNING EPSTEIN'S STATUS AS A VISITING FELLOW

4. In 2005, Harvard admitted Epstein as a Visiting Fellow in Harvard's Psychology Department for the 2005-2006 academic year. Visiting Fellow is a title awarded to an independent researcher registered with the Graduate School of Arts and Sciences as a graduate research assistant. Professor Stephen Kosslyn, the Chair of the Psychology Department, recommended Epstein's admission as a Visiting Fellow. Professor Kosslyn had known Epstein for many years and between 1998 and 2002, Epstein had given Harvard \$200,000 to support Kosslyn's research. Epstein lacked the academic qualifications Visiting Fellows typically possess, and his proposed course of study Epstein was unqualified to pursue. Epstein paid the registration tuition and fees (\$10,072) and came to registration, but did little to pursue his proposed course of study as a Visiting Fellow. We found no evidence that he engaged with Harvard students as a Visiting Fellow. In February 2006, Epstein applied to be re-admitted as a Visiting Fellow for a second year, the 2006-2007 academic year, and Harvard again admitted him. We understand that in September 2006, as a result of Epstein's arrest, Epstein was asked to withdraw as a Visiting Fellow for the 2006-2007 academic year, and he did so.

OTHER FINDINGS

5. In August 2008, Epstein received an 18-month sentence after he pleaded guilty to charges involving solicitation of minors for prostitution. He was released in 2009, and was required to register as a Level III sex offender in Florida and New York. After his release, Epstein continued regularly to visit Harvard's Program for Evolutionary Dynamics, located at One Brattle Square in Cambridge. While the existing records do not permit us to determine precisely how many times he visited after serving his sentence, it is likely that he visited PED's offices more than 40 times between 2010 and 2018, including visits as recently as October 2018. His relationship ended after a number of PED researchers complained to Professor Nowak about Epstein's continuing relationship with PED.
6. Epstein typically used the visits to meet with professors from Harvard and other institutions to hear about their work. He generally gave Professor Nowak the names of the academics he wished to meet, and either he or Professor Nowak invited them to meet with Epstein at PED's offices. These meetings most often took place on weekends, although some occurred during the week. We found no evidence that Epstein engaged with Harvard students when he came to these meetings, although he did attend one of Professor Nowak's undergraduate mathematics lectures. Professor Nowak did nothing to hide the fact of these meetings.
7. PED maintained an office for Epstein's use and granted him keycard and passcode access to PED's offices—findings which raise questions about possible violations of Harvard policies.
8. In 2013, Epstein's publicist sought to burnish Epstein's reputation by asking PED to post on PED's Harvard website links to Epstein's foundations' websites, which included both misleading descriptions of Epstein as a science philanthropist and false claims about the level of support he provided to Harvard. In 2014, Epstein's publicist asked Professor Nowak to feature Epstein in a full page on PED's Harvard website. Professor Nowak approved each of these requests. We found no evidence that University or FAS leadership knew about these requests. PED removed the Epstein page from its website after PED and Harvard received complaints in 2014 from a sexual assault survivor's group. These findings also raise questions about possible violations of Harvard policies.

FINDINGS IN DETAIL

EVENTS BEFORE EPSTEIN'S 2006 ARREST

Epstein's Financial Support for Harvard and Harvard Faculty

Harvard Office of Alumni Affairs and Development records reveal that Harvard courted Epstein as a potential donor as early as 1992. Beginning in 1992, some of the University's most senior leaders met with Epstein to seek his support. Epstein first provided support for Harvard faculty members in 1998. Between 1998 and 2006, before there was any public notice of criminal charges against Epstein, Epstein provided 22 gifts to Harvard totaling \$8,443,000, nearly all to support the research aims of Harvard faculty, including faculty in the FAS Departments of Psychology, Economics, Art and Art History, and the Harvard Graduate School of Education. The gifts ranged from \$10,000 to \$200,000, with the exception of a \$6.5 million gift made in 2003 to help support Harvard's Program in Evolutionary Dynamics, led by Professor Martin Nowak, whom Harvard recruited from the Institute for Advanced Study in Princeton, New Jersey. Epstein had previously provided support for Nowak's work at the Institute. *The Harvard Crimson* and other sources reported at the time that Epstein's \$6.5 million gift was part of a \$30M pledge from Epstein to Harvard. Harvard found no Harvard record of such a pledge.

Epstein's Admission as a Visiting Fellow

Visiting Fellow Status at Harvard

On September 1, 2005, before his arrest on charges related to soliciting minors for prostitution, Epstein submitted an application to be admitted as a Visiting Fellow to Harvard's Graduate School of Arts and Sciences. Epstein's application stated that he learned about the possibility of becoming a Visiting Fellow from Professor Stephen Kosslyn, then-Chair of Harvard's Psychology Department. Professor Kosslyn had known Epstein for many years, and Epstein had given Harvard gifts (one in 1998, the other in 2002), totaling \$200,000, to support Kosslyn's research.

Visiting Fellows are not degree candidates and do not take courses for academic credit. The Graduate School of Arts and Sciences described the qualifications for admission as a Visiting Fellow as follows:

Persons holding the PhD degree (or its equivalent), or those with comparable professional experience, may apply to be Visiting Fellows in the Graduate School of Arts and Sciences. This status is also open to advanced doctoral candidates from other universities who have completed all coursework and would like to pursue dissertation research at Harvard. Although Visiting Fellows are sometimes invited by departments or research centers to participate in seminars or other organized activities, they are expected for the most part to pursue their research independently. Visiting Fellows are independent researchers who may also audit courses.

Visiting Fellows register as graduate research students, typically for a single academic year, after which they must reapply. They generally are not assigned office space and instead are occasionally able to reserve desk space in a Harvard library.

Epstein's Application and Harvard's Approval of his Application

Epstein's September 1, 2005 application provided the following summary of his research topic:

Specific subjects: I wish to study the reasons behind group behavior, such as "social prosthetic systems" (a term invented by Prof. Kosslyn), and their relationship to a changing environment. That is, other people can act as "prosthetics" insofar as they augment our cognitive abilities and help us to regulate our emotions -- and thereby essentially serve as extensions of ourselves. I wish to understand how the brain both allows such relationships to develop and how those relationships in turn take advantage of key properties of the brain.

Epstein described his research plan in more detail as follows:

Possible timetable. September: begin to conduct library research and continue discussions about theory. February: begin to formulate possible tests. April: begin to implement experiments. June: begin to test theory.

Other resources needed. If the theory can in fact be tested rigorously, I would need access to functional magnetic resonance imaging machines. I understand from Prof. Kosslyn that this will be possible.

When we spoke to Professor Kosslyn, he acknowledged that Epstein was not qualified to conduct aspects of the research his proposal outlined, particularly that part of his proposal concerning Epstein's conducting MRI testing on subjects. Professor Kosslyn also acknowledged that Epstein's educational background (he had no undergraduate degree) was highly unusual for a Visiting Fellow. While Visiting Fellow status does not require an undergraduate degree, Visiting Fellows typically have advanced degrees.

On September 2, 2005, Professor Kosslyn provided the following recommendation for Epstein:

I am writing this letter to recommend that Jeffrey Epstein be admitted as a Visiting Fellow. I have known Jeffrey for about nine years, and have spent an enormous amount of time talking to him about a wide range of subjects. He is extraordinarily intelligent, broadly read, and very curious. I wish I could have even a single student who asks such good questions or who is as capable of synthesizing material from such diverse sources. Jeffrey's high level of intellectual acumen and breadth of knowledge is all the more remarkable given his background: He never finished his

undergraduate education, and is largely self-taught. Jeffrey has been a spectacular success in business, and it is clear why: He's not just intelligent and well-informed, he's creative, deep, extraordinarily analytic, and capable of working extremely hard.

I am particularly interested in having Jeffrey here because he and I have been developing the "theory of social prosthetic systems." He has been my only collaborator on this project (for some five years now, I believe), and it is coming together very nicely. I think having him around will lead the theory over the final hurdle, allowing it to be firmed up to the point where it can be rigorously tested. Jeffrey will not only be a resource to me, but also to my colleagues (in several departments -- as I said, he's very broadly read) and my students. But more than that, I think Jeffrey will get a huge amount out of the experience; he will be directed to read in new directions, and further expand his thinking.

In short, I recommend that Jeffrey Epstein be admitted as a Visiting Fellow with the greatest enthusiasm.

Sincerely,

/s/ Stephen M. Kosslyn

Professor Kosslyn informed us that he recommended Epstein because he believed Epstein could contribute to the intellectual life of the community.

Epstein's application went in the ordinary course to an administrator in the Special Studies Visiting Fellows Office of the Graduate School of Arts and Sciences. ~~The administrator~~² recalled that Epstein's application was unusual because Epstein did not possess the academic qualifications applicants commonly had. The administrator and her assistant printed a profile of Epstein in New York Magazine from 2002 headlined "Jeffrey Epstein: International Moneyman on the Verge of Ruin."³ It quoted former President Clinton, then-businessman Donald Trump, Professor Kosslyn, and several other Harvard faculty members' describing their interactions with Epstein. I know of no criminal conduct on Epstein's part. Nonetheless, the administrator thought that Harvard should not admit Epstein as a Visiting Fellow, and recommended to the Administrative Dean of the Graduate School that Harvard not admit Epstein. The administrator recalls that the Administrative Dean spoke to Professor Kosslyn and concluded that Epstein should be admitted. Neither the Administrative Dean nor Professor Kosslyn recalled the conversation, but the Administrative Dean stated that, because Visiting Fellow status was a "status within the Department," administrative decisions would typically defer to the wishes of the department chair.

² We have chosen not to identify by name any administrative personnel below the rank of vice president.

³ See http://nymag.com/nymetro/news/people/n_7912/.

On September 3, 2005, Epstein's application was approved, and Epstein was offered admission as a Visiting Fellow for the 2005-2006 academic year "to pursue independent research in the Graduate School of Arts and Sciences in the affiliation with the Department of Psychology." Epstein paid \$10,072 as tuition and fees as a Visiting Fellow.

Epstein's Activities as a Visiting Fellow

Epstein formally registered as a Visiting Fellow in September 2005. An administrator recalled Epstein's appearing at registration accompanied by several women who appeared to be in their 20s. The administrator also recalled that Epstein did not participate in any of the activities that Harvard organized for Visiting Fellows. Professor Kosslyn informed us that Epstein did little of the work his plan outlined and, in Kosslyn's recollection, "was barely ever around." Epstein did not have an office in the Psychology Department but—as we discuss below—had an office available for his use at Harvard's Program for Evolutionary Dynamics. Kosslyn did recall Epstein sitting in the back of one session of a joint Law and Psychology class where undergraduates were present.

Despite his limited participation, on February 14, 2006, Epstein submitted a re-application to obtain Visiting Fellow status for a second year. His form attached the following rationale for seeking a second year as a Visiting Fellow:

My studies are not complete as I am working on the intersection between evolutionary dynamics, social statistical mechanics, game theory, computational biology and synthetic biology in an attempt to discover the mathematical underpinnings of competition versus cooperation. Included in this is an attempt to formalize the efficiencies of social prosthetic systems. First attempts have been to analogize it to heat and energy transfers across variable resistance nodal networks. I'm further attempting to find a derivation of "power" (Why does everybody want it?) in an ecological social system that would include variables for reputation, trust or awe and the inherent strategically diverse tactics of deception.

Epstein's application stated that he intended to work with Professors Kosslyn and Nowak. Materials in his file do not state whether either Kosslyn or Nowak provided a recommendation for him. On April 21, 2006, Harvard's Graduate School of Arts and Sciences approved his application to enroll as a Visiting Fellow for a second year.

EVENTSDURING2006-2007

The September 2006 Gift Policy Committee Meeting

The Harvard Crimson reported the news of criminal charges against Epstein on July 31, 2006. On September 12, 2006, Epstein was discussed at a regular meeting of Harvard's Gift Policy Committee ("GPC"), a standing group of senior administrators and selected academic leaders convened by the Provost, which, among other things, advises the Provost about the acceptability of philanthropic gifts to Harvard. The minutes of the meeting do not describe the discussion or mention such a discussion or Epstein's name. But a copy of the agenda for the meeting kept by the Vice President for Alumni Affairs and Development ("AA&D") contains a prompt for her to discuss a possible gift from Epstein, and some members' notes from the meeting indicate that the Committee discussed the pending charges against Epstein.

None of the GPC members we spoke to recall a discussion about a possible gift from Epstein. Several recalled a discussion about Epstein's access to an office and a phone at Harvard, and his status as a Visiting Fellow.⁴ We understand that as a result of discussions with Epstein, he withdrew as a Visiting Fellow for 2006-2007. On September 15, 2006, Harvard refunded Epstein's tuition for the 2006-2007 academic year.

On September 13, the day after the GPC meeting, the *Crimson* reported that Harvard had decided not to return any of Epstein's gifts. A Harvard spokesman informed the *Crimson*: "Mr. Epstein's gift is funding important research using mathematics to study areas such as evolutionary biology, viruses, and cancers. The University is not considering returning this gift." Interim President Derek Bok said in an email to the *Crimson* that he was unfamiliar with the specific details of Epstein's donation, but stood by his 1979 open letter to the Harvard community describing his views about potentially controversial gifts. In "extreme cases," Bok had written, Harvard would refuse contributions from donors who have earned their money immorally, "but on the whole, we would be inclined to accept such donations on the ground that the tangible benefits of using the money . . . should overcome the more abstract, symbolic considerations that might lead us to reject such benefactions."

⁴ In fact, Epstein's access to a phone and office were at PED and therefore unrelated to his status as a Visiting Fellow, but there is no reason to believe any of the GPC members knew that.

⁵ See <https://www.thecrimson.com/article/2006/9/13/harvard-to-keep-epstein-gift-after/>

Gifts from Epstein Following his Arrest

Between July 2006, when *The Harvard Crimson* publicized information about Epstein's arrest, and July 1, 2007, when Drew Faust became Harvard's President, Harvard accepted four gifts from Epstein totaling \$736,000: two to support work at the Medical School totaling \$500,000 and two to support FAS faculty, totaling \$150,000.

We found no evidence that these gifts were brought to the attention of the GPC for consideration, but Harvard sent Epstein a letter acknowledging two of these gifts. These four gifts brought Epstein's total giving to Harvard to \$9,179,000.

They were Epstein's last gifts to Harvard.

EVENTS IN 2008 AND AFTER

Harvard Did Not Accept Gifts from Epstein after his 2008 Conviction

President Faust's Decision Not to Accept Gifts from Epstein

President Faust assumed leadership of Harvard on July 1, 2007. Sometime after that—we have been unable to determine the date, but documents show it was no later than November 2007—President Faust learned that Epstein planned to make another donation to Harvard.⁷ After being briefed about Epstein (whom she did not recall having heard of before), President Faust, in consultation with Harvard's then-Vice President for AA&D, Tamara Rogers, concluded that Harvard should no longer accept gifts from Epstein. President Faust's decision was unequivocal. (After President Faust's decision, there was no occasion for Harvard's GPC to consider the matter.)

No formal record was made of President Faust's decision (although Harvard did decline the gift that had prompted the outreach to the Vice President for AA&D and President Faust), and we have seen no documents indicating that Harvard formally informed either Epstein or the faculty members whose work Epstein had supported of President Faust's decision. We note that President Faust's decision that Harvard should not accept funds from Epstein became known to some members and administrators. In November 2008, for example, Professor Kosslyn, then the Associate Dean for Social Sciences, noted in an email that he had discussed "Martin [Nowak] situation" with Benedict Gross, the chair of Harvard's Math Department. "If [President] Drew

⁶ We are aware that one of Epstein foundations, Gratitude America, Ltd., reported on its federal tax return that it made donations in 2016 of \$50,000 to the Hasty Pudding Institute of 1770 (a student social organization) and \$110,000 to Verse Video Education (a non-profit whose president, Elisa New, is a professor at Harvard.) Neither of these gifts was a gift to Harvard. For that reason, our review did not examine the circumstances surrounding these gifts.

⁷ We could not determine whether this occurred before or after Epstein's guilty plea, which took effect on June 30, 2008.

weren't opposed to taking JEE's money, there wouldn't be a problem . . . [.] but she is." When Professor Nowak spoke to Professor Nowak, Nowak acknowledged that he understood that President Faust was giving about accepting Epstein's funds, but said he believed that the situation was "uncertain." President Faust's decision might be subject to reconsideration. The documents we reviewed corroborate Nowak's account about his own understanding, although there is no evidence that President Faust ever suggested that her decision might be revisited. Nowak never spoke directly to President Faust about the issue.

Efforts to Revisit President Faust's Decision

Emails and interviews demonstrate that, between 2010 and 2014, Professor Nowak and others sought clarification or reconsideration about whether PED could accept funds from Epstein. An email in January 2010, for example, describes Nowak as "trying to figure out a way to have Epstein give PED funds." In November 2013, Rogers (Harvard's Vice President for AA&D) requested to meet with Math Department chair Benedict Gross about Epstein, whom she described to Gross in an email as "a former donor with some reputational issues [who] has approached a couple of departments (individual faculty members) to discuss support." Rogers informed Gross that "[g]ifts that might engender press or controversy go to the Gift Policy Committee" and requested to meet with Gross. The two met on November 7, 2013.

After that meeting, an FAS development office staff member collected information about Epstein's background, and presented it to Michael D. Smith, then-Dean of the Faculty of Arts and Sciences. She brought this information to Dean Smith to determine whether he would support a request to bring Epstein's proposed giving to the Gift Policy Committee. The FAS development office staff member wrote to Smith on December 10, 2013:

Dick Gross, George Vasmer Leverett Professor of Mathematics, approached the development office about the possibility of soliciting Jeffrey Epstein for additional support for the work of Professor Martin Nowak. Epstein has provided substantial support for Nowak's work in the past . . . and Professor Gross feels strongly that, given the current federal funding climate, it would be ideal if we could ask Epstein for additional support. Epstein, who keeps in touch with both Gross and Nowak, has offered that he would be willing to provide additional funds both for the Math department and for Professor Nowak's work.

As you will see in the attached background, Epstein is a convicted sex offender, who completed a 13-month prison term. His wealth was earned through his work in the financial sector.

Both Professor Gross and Jeremy Bloxham, [Divisional] Dean of the Sciences, feel that the Math department should be permitted to solicit Epstein for additional funds. They feel that the good his support can do for Professor Nowak's research outweighs the reputational risk of accepting further funds from him. In addition, they

emphasize both that Epstein has served his time for his crime, and that his wealth has been obtained legally, having nothing to do with the crime for which he was convicted.

The next step is for us to bring a petition in the form of a memo from Professor Gross to the University Gift Policy Committee. In order to move forward, we would like to know if you would support this petition.

Dean Smith had not heard of Epstein and did not know that President Faust had years earlier concluded that Harvard should not accept funds from Epstein. But based on the material provided, Smith independently concluded that, given the nature of Epstein's conviction and Harvard's commitment to victims of sexual assault, the Faculty of Arts and Sciences should not seek or accept gifts from him. Smith therefore declined to bring the request before the Gift Policy Committee. The development office communicated that decision to Divisional Dean Bloxham.

When the development office wrote Divisional Dean Bloxham, it said that "Dean Smith did not want to move forward with a petition to the University Gift Policy committee at this moment in time" and "suggested that the issue be revisited in a year." (Dean Smith does not recall stating that he would be open to revisiting his views on the matter.) When Bloxham communicated Smith's decision to Professor Gross, the Math Department chair, Bloxham told Gross that the bottom-line is that [Dean Smith] does not want to take a gift from Epstein in the near term. Similarly, when Professor Nowak was told of the University's decision in March 2014, Gross told him that "there is a temporary hold on contributions from Jeffrey Epstein, although I hope that will be lifted by summer."

We have found no evidence that Harvard did, in fact, consider lifting its ban on Epstein's gifts to Harvard, and we have no reason to believe that the Harvard leaders who had reached decisions about the issue—President Faust and Dean Smith—viewed those decisions as temporary or subject to further review. Indeed, on March 24, 2014 (less than three weeks after Nowak was informed that the ban on Epstein's giving was "temporary") Rogers wrote to Professor Gross: "[W]e have not heard from you in some time about [Epstein], I do hope that no one is advancing a discussion about another gift." Nevertheless, Professor Nowak continued to raise questions about a possible donation from Epstein: In December 2014, Nowak asked to speak to Gross "confidentially" because he "was wondering if there is an update concerning Jeffrey being an accepted donor for Harvard?" We did not locate a response from Gross; however, we are not aware of questions' being raised with Smith or Faust again.

Mixed Signals from the Development Office

Even after President Faust and Dean Smith concluded that Harvard should not to accept gifts from Epstein, the development office sent mixed signals on the subject.

For example, the development office continued to include Epstein on development communications. In 2013, the development office invited Epstein to come to campus to attend the kick-off of the University's Capital Campaign. (The development office records show he did not attend, though we have seen no evidence suggesting he did.) In addition—as described in further detail below—some Harvard development staff encouraged Epstein's role in obtaining money from other donors to donate to Harvard to support research.

Epstein's Role in Securing Support from Others

After President Faust concluded that Harvard should not accept gifts from Epstein, Epstein continued to play a role in obtaining gifts for two Harvard faculty members—FAS Professor Robert Nowak and Harvard Medical School Professor George Church.

As noted above, Professor Nowak understood as early as 2008 that President Faust might permit Epstein to provide additional support to PED. This raised a significant practical concern for Professor Nowak: PED had used Epstein's unrestricted \$6.5 million gift to pay the rent on office research space (among other uses). Professor Nowak initially believed FAS would pay for that space after Epstein's funding ended, but after the 2008/2009 financial crisis, Nowak understood that Harvard would not pay for PED's large research facility at One Brattle Square and that PED would need a gift that would pay the rent on that space. (Most conventional research support grants do not permit grants to be used to pay rent.)

Professor Nowak acknowledged raising with Epstein the question of his need for unrestricted support for rent. According to Professor Nowak, Epstein talked generally about knowing wealthy donors willing to provide significant funds for basic science research, but typically deflected any specific questions or requests Nowak posed about donors. Professor Nowak acknowledged, however, that Epstein played a role in helping Nowak obtain the following unrestricted gifts, which permitted Nowak to continue to maintain office space at One Brattle Square:

Date	Amount	Donor
9/10/2010	\$500,000	Falconwood Foundation
11/22/2011	\$2,000,000	Leon and Debra Black
12/29/2014	\$4,000,000	Leon and Debra Black
10/30/2015	\$1,000,000	Black Family Foundation

⁸ As noted above, Epstein had previously provided gifts totaling \$686,000 to support Professor Church's work.

Professor Nowak acknowledged that he had no pre-existing relationship with either the L. B. Wood Foundation or the Blacks, and that he understood Epstein had interested each of them in the work. We have found no evidence that Harvard's development staff played any role in obtaining these gifts.

Mr. Black, who is a Harvard alumnus and donor in other respects to Harvard, told us through a representative, that after Epstein made introductions, Mr. Black personally met with Professors Church and Nowak to discuss their research. In response to our inquiry, that representative said as follows:

Over the past decade, principally through his family foundation, Mr. Black has contributed (or pledged) approximately \$20 million to Harvard (including its graduate schools) in support of a variety of charitable projects and causes. The most significant charitable gift was a \$7.5 million pledge made in 2018 by the Debra and Leon Black Family Foundation, creating a fellowship program for U.S. veterans and active military members at the Harvard Kennedy School, Harvard Business School and Harvard Law School.

In addition to this gift and additional charitable gifts made by Mr. Black's family foundation to Harvard, including to the Business School, Mr. Black has provided gifts to support the research of Professor George Church of Harvard Medical School and Professor Martin Nowak, who heads Harvard's Program on Evolutionary Dynamics.

In response to the specific questions you have raised, Jeffrey Epstein introduced Mr. Black to the research that was being undertaken by Professors Church and Nowak. Mr. Black met with Professors Nowak and Church to discuss their research in Cambridge, Massachusetts and, in the case of Professor Church, also at Mr. Black's New York office. The gifts made in support of Professor Church's and Professor Nowak's research were made by Mr. Black. None of the funds were provided by Mr. Epstein and no attempt was made to conceal the source of these gifts.

Records we reviewed relating to one Black gift included a contemporaneous email from Mr. Black's accountant corroborating that the Blacks and the Black Foundation, not Epstein, funded

Moreover, our review did not reveal any evidence showing that the Blacks used Epstein's name to make these donations representative of the Falconwood Foundation, which has a track record of substantial philanthropy to higher education and medical research, among other causes. Black similarly confirmed that the \$500,000 gift the Falconwood Foundation gave Harvard in 2008 to support Nowak's research was its own money, not that of Epstein. We note, however, that in addition to the introductions from Epstein, Epstein's accountant and other staff also played a role in facilitating the Black donations—acting as an intermediary between Professors Church and Black on the one hand and Black on the other. Epstein's staff, for example, took steps, at Professor Nowak's direction, to ensure that the letters accompanying Black's gifts earmarked the funds specifically for Nowak's research and included language specifically permitting Nowak to use those gifts to pay rent on PED's offices at One Brattle Square. Epstein's accountant, rather than the Blacks or the Black foundation, notified HMS development staff about Black's intention to support Professor Church's work.

Harvard has no policies addressing the question whether a faculty member may ask a donor to support Harvard through Epstein—from whom Harvard has concluded it should *not* accept donations—to recommend that others ask *others* to provide support to Harvard for faculty members. Here, Professors Nowak and Church did nothing to hide Epstein's facilitation role in the Blacks' gifts. HMS and FAS development staff knew that Epstein played a role in arranging the donations to Professor Nowak and Professor Church; indeed, they encouraged his doing so. For example, on December 17, 2014, an HMS development staff member wrote to Epstein's accountant: "please let Mr. Epstein know that we are so grateful for him for trying to expedite this gift - and of course to Mr. Black for his support!"⁹ And as recently as February 2017, an FAS development office staffer asked Professor Nowak to "reach out to [the Blacks or Epstein] again soon" to seek further support.

Epstein's Role in PED's Obtaining a Grant from the John Templeton Foundation

⁹ We note that public filings indicate that Epstein was a trustee of the Black Foundation through 2007. Black's representative responded to our question about that subject as follows:

The Black Family Foundation was created in 1997, with seven trustees. Mr. Epstein was one [of] the seven trustees. Mr Epstein resigned as a Trustee of the Foundation in July 2007, at the family's request. Mr. Epstein played no operational role at the Foundation and never managed or controlled any funds managed by Mr. Black and never had discretionary authority to use any funds managed by Mr Black to make charitable donations.

¹⁰ The same former HMS development staff member told us that when she looked at Epstein's record in ADVANCE (the Alumni Affairs and Development Office database), she saw that it was "flagged." This recollection is likely erroneous; when we looked at the database as part of our review, the "flag" we saw, which recorded the fact of Epstein's 2008 Florida conviction, was dated June 30, 2008 (months after Black's \$2 million gift to Church). The staff member may have recalled a separate Black's account that was intended to ensure that development staff at different schools coordinated with one another about potential gifts from Black.

In 2015, Epstein played an indirect but significant role in assisting Professor Nowak in securing a \$1.5 million grant from the John Templeton Foundation. Professor Nowak had a long relationship with the Templeton Foundation, which had previously provided two significant grants to support Nowak's work. Nowak also served on the foundation's Board of Advisors.

Nowak and PED applied for a new Templeton grant in 2014, seeking \$3 million. The foundation informed Nowak and PED that, because the new grant related to work performed on a previous grant, Templeton would consider granting half of the money. Templeton further informed Nowak and PED that Templeton's charter required PED to demonstrate that it had funds available to provide the other 50% of the money from another source and to obtain a letter from either a donor or Harvard "attesting that the funds have been secured and will be applied to the project."¹¹

At the time, PED had money on hand to supplement the foundation's grant from the \$5 million gift the Blacks gave PED in 2014 and 2015, and at least one employee of the foundation at the time knew Professor Nowak had funds available from the Blacks. But rather than seek the funds required from either Harvard or Black, Nowak—for reasons he told us he was unable to explain—sought a letter from *Epstein*, whose original \$6.5 million gift by then had been spent.

Epstein agreed to provide such a letter, but told his accountant and Professor Nowak: "I'm not sure if [an Epstein foundation] should sign instead." Nowak replied: "Good point." Separately, Epstein sent an email to the personal email account of a then-foundation executive vice president who was friendly with both Epstein and Professor Nowak: "Martin wants to send a letter attesting funds but using my name, I thought you might have a view." This former foundation executive responded: "Sure, just send me a draft if you like but it simply needs to show that he has funds from a cofounder . . ."

A few days later, Epstein's accountant sent Professor Nowak and the then-Templeton executive a letter from one of Epstein's foundations, Enhanced Education of St. Thomas in the U.S. Virgin Islands, stating: "[i]n 2003 Enhanced Education established a gift to the Program for Evolutionary Dynamics to support precisely this type of cutting edge research . . . Martin [Nowak]'s academic team intends to apply said funds to this project for the proposed 3 year period." This statement was false in two respects: first, Enhanced Education had never provided support to Nowak's program and, second, the funds that Epstein had provided had long been spent.

Nowak acknowledged that Enhanced Education had never provided support to Nowak's program. He also acknowledged that, by 2015, Epstein's \$6.5 million grant had been spent,

¹¹ As we understand it, the idea here was to ensure that if the Templeton Foundation funded only a portion of the project (for example 50%), the remaining portion was assured to come from somewhere else such that the work would proceed.

his administrative team could not, in 2015, have “applied [Epstein’s] funds to the project 2016 and 2018—although the funds *Black* provided remained available for that purpose. Nonetheless, he had no explanation for this representation.

In 2018, when it came time to submit PED’s final report to the Templeton Foundation, a researcher completing the report asked PED’s Chief Administrative Officer (“CAO”) how in a space on the foundation grant close-out form asking PED to confirm its sources of “additional funding” for the project. PED’s CAO told the researcher to answer by saying: “We used a grant from Enhanced Education to Harvard University fund 347150 for the Program for Evolutionary Dynamics.” This statement was also false.¹²

We therefore conclude that Nowak and PED’s CAO provided false information to the Templeton Foundation about the actual source of the “additional funding” the foundation required. The foundation staff at the time knew of Enhanced Education’s connection to Epstein, and knew that PED had substituted Enhanced Education for “Jeffrey Epstein and friends” as the source of the additional funding in the grant application. It is not clear, however (a) whether the foundation knew that Epstein’s gift had long been spent; or (b) whether the precise source of the funds was more important than the existence of sufficient funds (regardless of source) was of significance to the foundation in making the grant. As later recommended in this report, FAS should consider whether the conduct failed to meet expectations of conduct for a faculty member and staff member and, if so, determine appropriate next steps.

Epstein’s Presence on Campus

Epstein’s Visits to the Program

Epstein was a frequent visitor to the PED offices. The records we reviewed did not permit us to identify visits between 2003 and 2009, and the records after that date are not precise. Based on the records we reviewed, it appears that Epstein visited PED more than 40 times between 2010 and 2018:

¹² We have communicated with the Templeton Foundation concerning these events. We understand that the Templeton Foundation has no record of this statement in its files.

Year	Likely Number of Visits
2010	4
2011	5
2012	2
2013	3
2014	4
2015	8
2016	9
2017	5
2018	6

When Epstein visited PED, he typically met with leading scholars from Harvard and elsewhere in science and math and, occasionally, individuals involved in Epstein's life.¹³ Epstein, rather than Professor Nowak, was the driving force behind these meetings. The meetings most often took place on weekends, although some occurred during the week. Epstein selected the dates (sometimes on short notice to Professor Nowak), and generally set the guest list, although on some occasions Professor Nowak took the initiative to invite academics he believed would interest Epstein. Epstein invited scholars from other institutions to meet with him when he came to PED (indeed, he met with faculty from other institutions at least as often as with Harvard faculty). On occasion, Epstein also invited political figures to PED's office.

Epstein was routinely accompanied on these visits by young women, described as being in their 20s, who acted as his assistants.

The meetings generally focused on the current research of the scholars in attendance, although Epstein also occasionally used PED's offices for dinners. Epstein generally chose the guests and sometimes asked questions, but did not generally lead the discussions or choose the topics. Taken as a whole, the documents suggest that Epstein viewed the PED offices as available for use whenever he wished to gather academics together to hear scholars talk about subjects he found interesting.

Undergraduates and graduate students affiliated with PED had little connection to these meetings. We have discovered no evidence that Epstein engaged with undergraduates or graduate students when he visited PED. He attended part of one of Professor Nowak's undergraduate math seminars, which were held at PED's offices, but Nowak recalls him leaving part way through and having no interaction with undergraduates.

¹³ A number of the Harvard faculty members we interviewed also acknowledged that they visited Epstein at his homes in New York, Florida, New Mexico or the Virgin Islands, visited him in jail or on work release, or traveled on one of his planes. Faculty members told us that they undertook these off-campus activities primarily in their personal capacities rather than as representatives of Harvard. These activities do not implicate Harvard rules or policies.

Professor Nowak took no steps to conceal Epstein's visits to PED. Epstein's visits after his conviction were known to at least a dozen Harvard faculty members. Epstein's visits came to an end only after a number of researchers who worked at PED told Nowak they objected to Epstein's visits to PED and, more generally, his relationship with the program.

Epstein's Access to PED's Offices

PED's offices are located in Harvard Square in a private office building located at One Brattle Street. The Harvard Kennedy School leases that space, and subleases office space on the second floor to PED. Before 2017, access to the building outside normal hours required that visitors have a proximity card to gain access to the building, and to know the passcode for a keypad outside PED's offices. Inside PED, at least some of the offices had locks that required keys to open.

Before 2017, Professor Nowak had authorized PED to give Epstein and his assistants proximity cards, which permitted them to gain access to the building whenever they wished. PED also gave Epstein and his assistants the keypad code to enter the PED offices at any time. Epstein and his assistants also had a key to Office 610, which PED referred to as "Jeffrey's Office" (discussed further below).

In 2017, Harvard tightened PED's security by installing a card reader system that required individuals to use Harvard identification cards (rather than proximity cards issued by a proprietary access management company) to enter PED's offices unaccompanied. To address any need PED might have for individuals who did not work at Harvard to access the offices, Harvard security informed Professor Nowak's Chief Administrative Officer that Nowak (or the CAO) could sponsor "temporary guest Harvard University Identification Cards with expiration dates (10 days-12 months)." To obtain a temporary guest Harvard identification, either Professor Nowak or the CAO would have been required to attest that an individual they sponsored "has a legitimate business, research or education reason to obtain an HUID" and the individual would have been fingerprinted.

PED's Chief Administrative Officer chose not to seek a temporary Harvard identification card for Epstein. Instead, the CAO circumvented the new requirements by asking Harvard security for "unassigned access cards for our short term visitors" who did not have Harvard identification cards. Harvard security approved the CAO's request, but informed her that she "should keep accurate records of who they are assigned to and make sure they are returned to you after the visit is over."

The CAO then sent two of the temporary visitor cards by Federal Express to an assistant, letting the assistant know that the access system had changed, and that she should destroy the old cards. The CAO told Professor Nowak what she had done, informing him that she had sent these two cards . . . to [Epstein's assistant] because [it was] easier than arranging a temporary [identification] Card which would have to be annually renewed and Jeffrey would have to have [a] photo taken." Professor Nowak did not respond to that email.

PED's CAO thus, with Professor Nowak on notice, circumvented Harvard's efforts to tighten security procedures and permitted Epstein to continue to have unfettered access to PED.

Within PED's offices, PED informally described Office 610 as "Jeffrey's Office." As noted, Epstein and his assistants had a key to that office. Epstein brought his own rug and hung several photographs on the wall. PED made Office 610 available to other visitors from time to time. Professor Nowak informed us that, in his view, the office was only nominally Epstein's and was simply a visitor's office that was called "Jeffrey's Office." But others who worked at PED, where office space was often scarce, generally did not view it as interchangeable with other offices and believed it was reserved for Epstein's use when he came. (Epstein did in fact use the office when he visited.) Until 2017, PED maintained a Harvard telephone line in that office identified as Epstein's. PED removed it that year as a cost-cutting measure.

Many parts of Harvard's campus are open, and no Harvard rule would have forbidden Professor Nowak from inviting Epstein to visit PED as Nowak's guest (notwithstanding Epstein's status as a registered sex offender). But Harvard does not extend open access to its offices to individuals with no formal connection to Harvard. Indeed, even researchers from other institutions collaborating with Harvard scholars—who may, legitimately, obtain temporary Harvard identification—must sign Visitor Participation Agreements requiring them to abide by Harvard's research ethics and conflict-of-interest policies, among others, while they are working at Harvard.

Epstein's permanent possession of a visitor keycard; his knowledge of the passcode to PED's offices; and his possession of a key to an individual Harvard office all gave him unlimited access to PED. It appears that this circumvented rules designed to limit access to Harvard space to individuals with legitimate reasons to be there. In effect, Professor Nowak and his CAO permitted

¹⁴ We also note that Professor Nowak permitted an artificial intelligence researcher, Joscha Bach, access to PED's offices from 2014 to 2019. Epstein introduced Nowak to Bach in 2014, and Bach visited the United States that year from Germany. From 2014 to 2016, Bach's primary affiliation was with MIT Media Lab. Harvard never paid Bach or provided funds to support his research, and no funds donated by Harvard supported Bach's work. We understand that in 2014 and 2015, Bach's work at MIT received financial support from Epstein. See Report Concerning Jeffrey Epstein's Interactions with the Massachusetts Institute of Technology, January 10, 2020, at 10, available at <http://factfindingjan2020.mit.edu/fact-report.pdf?200117>

Although Harvard never paid Bach, PED's website listed Bach as a PED research scientist beginning in 2014. We understand that Bach left MIT in 2016, but PED continued to list him as a PED research scientist until 2019. During that time, Nowak continued to give Bach access to office space at PED, which he used intermittently, and Bach often met with Epstein at PED when Epstein visited. PED has no record of Bach executing a Visitor Participation Agreement. Bach did not respond to our voice mail or email asking him to speak with him, and we were unable to determine whether Epstein provided financial support to Bach after he left MIT and while he was associated with PED. We note, however, that at least two papers published after he left MIT included acknowledgments of support from Epstein and PED.

Epstein to use PED's offices as his own whenever he came to campus. Moreover, they did so without due regard for Harvard's security rules. As later recommended in this report, FA consider whether these actions were violations of Harvard rules and, if so, determine appropriate next steps.

Epstein's Use of Harvard's Website

When the Program for Evolutionary Dynamics website, <https://ped.fas.harvard.edu>, first appeared, it contained only a brief mention of Epstein as one of the founders of the program:

The Program for Evolutionary Dynamics was established in 2003 by Harvard University President Lawrence H. Summers following an imaginative proposal by Jeffrey Epstein and Benedict Gross. The center operates under the auspices of William Kirby, Dean of the Faculty of Arts and Sciences. Martin Nowak, Professor of Mathematics and Biology, is the Faculty Director.

Beginning in mid-2013, however, as damaging information about Epstein began to appear in the public with increasing frequency, Epstein sought to use PED's website, part of the *harvard.edu* domain, to boost his public image, in some cases with false claims about his level of giving to Harvard.

In mid-2013, Epstein's publicist contacted Professor Nowak, announcing that she was "in charge of Jeffrey's media/pr" and was "writing a press release for Jeffrey's foundation on the 10th anniversary of the Program for Evolutionary Dynamics." When Nowak did not immediately reject the publicist's request, the publicist persisted, and was quite explicit about why and how she wanted to link Epstein's name with Harvard. She asked one of Nowak's assistants:

I was wondering if we could get Jeffrey Epstein's name and Foundation onto the Program for Evolutionary Dynamics' website? Either in the Advisory Board or Faculty Affiliates section. For your reference, I am in charge of the Foundation's media and PR.

Jeffrey is trying to boost his foundation's websites and a link on Harvard's network would be very helpful.

At the publicist's request, and with Professor Nowak's approval, the Program's website added links to two websites maintained by Epstein's foundations. The website for one of those was http://www.jeffreyepstein.org/Jeffrey_Epstein.html (which as of this writing remains active) and falsely stated (and continues to falsely state) that Epstein's foundation "established the Program for Evolutionary Dynamics at Harvard University with a \$35 million gift to the university." The Program for Evolutionary Dynamics language on the Epstein foundation page continues to include an active link to the PED home page.

In 2014—at a time when Professor Nowak needed additional funds to keep PED operating—One Brattle Square office. Epstein’s publicist asked Nowak to give Epstein even greater prominence on PED’s website. At the publicist’s request, PED added an entire page about Epstein to the website. The page included his photograph, a biography, and links to Epstein’s own website. Epstein’s page was linked to the rest of the PED website by a tab labelled “Friends” (Epstein was the only “Friend” listed on the PED website). Nowak agreed to put the Epstein “Friends” page on the website after Epstein’s publicist specifically requested that PED post information about Epstein on the *harvard.edu* domain because “it would be very helpful in terms of Google results if his name were attached to a Harvard.edu url.”

The publicist also asked Professor Nowak to review an article she prepared about Epstein, which was later published that article on the National Review’s website, and asked PED to link the article to its web page. PED did what she requested. This article, like the Epstein foundation website discussed above that links to the PED website, falsely stated that Epstein had given \$35 million to Harvard.

PED’s Chief Administrative Officer told us that she and Professor Nowak agreed to include links on the PED web page after repeated requests from Epstein’s publicist, but planned to remove the links to be temporary, and be taken down, without the publicist’s knowledge, after the links had been up long enough for the publicist to confirm that they were there. Nowak had no recollection of that plan, but evidence does suggest that PED did temporarily remove the link on at least one occasion, but then put the “Friends” page back up after Epstein’s publicist complained.

Epstein’s efforts to post favorable material to the PED website appeared to be part of a larger effort to rehabilitate his image. In March 2014, an anti-human trafficking organization wrote to Harvard’s Vice President for Alumni Affairs and Development, Faust, stating that it was “unusual and disheartening . . . to read almost daily press releases about a man who is accused by a pedophile [who] feels entitled to identify himself as a ‘Harvard philanthropist.’” Harvard’s Vice President for Alumni Affairs and Development wrote to Math Department Chair Benedict Gross that Harvard’s Public Affairs and Communication Office had the “sense that [Epstein] has launched a communications effort recently” and cautioned Professor Gross: “I do hope that no one is advancing conversation about another gift.” But it does not appear that the Vice President for AA&D or other senior Harvard officials knew that Epstein was then using the PED website as part of that communications effort.

¹⁵ In May 2014, Professor Nowak wrote Epstein: “it was great to talk. our current lease ends on 3/31/2015. in September 2014 [PED’s Chief Administrative Officer] has to present a finance plan of PED. It would be good to get something this summer. We could then extend our lease until 2017.”

¹⁶ The National Review later took the article down from its website. See “Jeffrey Epstein Pitched a Narrative. These Sites Published It.” New York Times (July 21, 2019), <https://www.nytimes.com/2019/07/21/business/media/jeffrey-epstein-media.html>.

In October 2014, sexual assault survivor advocates contacted both PED and President Fauci about Epstein's page on the PED site. In response, PED took the page down.

Harvard's Policy on the Use of Harvard Names and Insignias¹⁷ recognizes that "some uses of Harvard's name by others may not always promote the purposes of the University." The policy also states that "[t]he University and its members have a responsibility to ensure that any association is accurate." As the policy provides: "All members of the University and the institution as a whole benefit when its name is well used, and suffer when it is ill used."

PED's website resided on Harvard's web domain. When Professor Nowak agreed to devote a page of PED's website to Epstein, and agreed to link Epstein's own websites (containing claims about Epstein's donations to Harvard) to the PED website, it appears that Professor Nowak failed adequately to consider Harvard's interest in seeing that its name is well used. Nowak's actions also raise questions about whether he met his obligation to ensure that the "implied association" between Epstein and Harvard was accurate. As recommended later in this report, FAS should consider whether these actions were inconsistent with Harvard policy, and so, determine the consequences.

¹⁷ See "Policy on the Use of Harvard Names and Insignias," Harvard Trademark Program, <https://trademark.harvard.edu/policy-on-use-of-harvard-names-and-insignias>.

RECOMMENDATIONS

At the outset, we note that President Bacow has already directed one important change in fundraising structure: the leaders of the development staff of most Harvard schools operate with near complete independence from Harvard's central development staff. They now have a direct relationship to Harvard's Vice President for Alumni Affairs and Development, Brian K. Lee, in addition to reporting to their own deans.

As a result of our review, we make the following additional recommendations:

1. *Harvard should develop clearer procedures establishing the review mechanisms for potentially controversial gifts.*

Our review demonstrates that Harvard lacks a clear process for how to evaluate and approve potentially controversial gifts that do not involve naming (such as the naming of professors, programs or facilities).

In the case of Epstein, President Faust and Dean Smith each made decisions rejecting contributions from Epstein, and our review found that Harvard accepted no gifts from Epstein after President Faust and Dean Smith reached those decisions. Those decisions certainly reflected sound and thoughtful individual judgments.

But we remain concerned that the process for bringing potentially controversial gifts forward by the GPC is not clearly defined or widely enough known. The current process leaves Harvard exposed to the possibility that at some future date—if gifts of potential concern are *not* brought to the attention of the right decision-makers—Harvard might accept gifts from individuals with whom it would later wish it had chosen not to associate.

We recommend that the Gift Policy Committee be formally tasked with developing a set of clear expectations that will expand the universe of gifts and donors who should be evaluated. These policies would address the responsibilities of all fundraisers, be they faculty members, department chairs, deans, or development staff, to bring potentially controversial gift proposals to the GPC, and, if appropriate, establish other approval channels for¹⁸ consideration.

We believe this is necessary because our review made clear that a faculty member's interest in his own work; a department chair's interest in his own department; and even the pressure d

¹⁸To be clear, it has long been the case that all gifts to Harvard may only be recorded by a central office within Alumni Affairs and Development. No school, department or faculty member may accept a gift on Harvard's behalf. Moreover, AA&D may turn away a gift by refusing to record and acknowledge it. To avoid wasted effort and potential hard-feelings, gifts for purposes that may be controversial or from individuals or entities that may present controversy, should be flagged early in the gift solicitation process for consideration by the GPC.

staff feel to raise money rather than reject it all have the capacity to influence judgments that could be detrimental to Harvard's interests as an institution.

We do not think it is practical—indeed it may be counterproductive—for the GPC to try to create a complex set of rules intended to be applicable in all circumstances about when Harvard should or should not accept particular gifts. We do believe, however, that the GPC could and should identify triggering *criteria* for potential gifts and donors—criteria that every faculty member, department chair, dean, and development staff member should be expected to recognize and, when applicable, bring to the attention of the GPC. The criteria might include the gift's size, a donor's history of prior connection to Harvard, any known concerns about a prospective donor's actions, a donor's criminal record, and any negative information found in the news media. (Given the research that development staff often does on prospective donors capable of substantial gifts, we do not think this would be overly burdensome.) We recommend that the University disseminate those criteria widely, repeat that dissemination annually, and hold members of the Harvard community accountable should they fail to bring a potential gift to the GPC when the established criteria call for such review.

2. *Harvard should develop clear procedures to ensure that a University decision not to accept a particular gift, or not to accept gifts from a specific donor, once made, is clearly communicated and faithfully executed.*

Our review demonstrates that Harvard did not clearly communicate President Faust's and Smith's decisions not to accept funds from Epstein. As noted above, development staff invited Epstein to events, thanked Epstein for helping arrange donations from others, and even discussed whether Professor Nowak intended to seek additional funding from Epstein. Some faculty, including Professor Nowak, stated credibly that they believed that the decision not to accept funds from Epstein might be temporary; others lobbied for its reversal. These mixed messages were unproductive. We recommend that Harvard develop a system to ensure that a University decision about a prospective donor—including a decision not to accept funds or not to do so for a certain time—are carefully documented and communicated to the appropriate audience with sufficient clarity to avoid mixed messages. When such a decision is made, the University should periodically evaluate, in the years that follow, whether its decision is being followed faithfully.

In connection with the development of such a system, when Harvard has determined that it should *not* accept gifts from a donor, Harvard also should instruct its faculty and development staff to *ask* that donor to solicit funds from others. It is impractical for Harvard to assess whether a donation, ostensibly from a donor about whom Harvard has no concerns, might have been recommended by a donor from whom Harvard has chosen not to accept gifts. But whether Harvard should *ask* that donor to be an intermediary, encouraging gifts from others, is a matter well within Harvard's control. As this review establishes, the moral force of Harvard's decision to accept donations from one donor may be dissipated if Harvard asks that donor to become an intermediary for obtaining other gifts.

3. Harvard should revise its procedures for the appointment of Visiting Fellows.

It appears that Harvard should not have permitted Epstein to enroll as a Visiting Fellow, particularly in light of his research proposal, which contemplated research he was clearly unqualified to conduct. It, likewise, appears that Harvard should not have permitted him to enroll the following year, particularly as he had accomplished little the first year. But because Professor Kosslyn, a department chair, Kosslyn's recommendation proved sufficient to carry the day in Epstein's mission.

Before 2005, Epstein had provided support to Harvard to fund Kosslyn's work. The Visiting Fellow application form did not require Kosslyn to disclose that fact when endorsing Epstein's application. FAS should require a faculty member recommending the appointment of a Visiting Fellow to disclose whether the Visiting Fellow has provided financial support for his work and any potential conflicts of interest between the faculty member and the applicant. In any circumstance where there is a potential conflict of interest, FAS should require that the application be reviewed by a second faculty member. In addition, where a Visiting Fellow candidate does not have a doctoral degree, FAS should require that the application be reviewed by a second faculty member. Such rules would increase accountability and reduce the likelihood of the admission of an unqualified applicant as a Visiting Fellow.

4. Harvard should consider what, if any, further actions should be taken based on Epstein's access to PED; permitting Epstein to use the PED website to try to improve his reputation; and the misstatements to a grantor about the source of "matching" funds.

Epstein had no Harvard affiliation after he withdrew from his Visiting Fellow appointment. Yet he regularly visited, had card key access to, and was provided a designated office space at PED until 2018. Granting him that level of access raises serious questions about compliance with Harvard's policies, and beginning in 2017, about whether Professor Nowak and his CAO engaged in a deliberate circumvention of Harvard's security procedures. We recognize that neither Nowak nor PED's CAO took steps to keep Epstein's visits secret, and many Harvard faculty and administrators knew of his visits. But accountability for Epstein's unlimited access must rest in the first instance with PED's Chief Administrative Officer, and, ultimately, with Nowak, who was aware of Epstein's status as a registered sex offender.

Professor Nowak permitted Epstein to have unrestricted access to Harvard offices. We therefore recommend that Harvard report this finding to the Faculty Affairs Office in the Faculty of Arts and Sciences to determine whether the Committee on Professional Conduct or other disciplinary body should take further action.

PED's Chief Administrative Officer played a direct role in the apparent circumvention of Harvard's identification and access policies. We therefore recommend that Harvard report this finding to the FAS Associate Dean for Human Resources to evaluate whether any further actions should be taken with respect to the CAO.

Epstein plainly sought to use Harvard's web domain to improve his image. Professor Nowak's decision to accede to Epstein's request that PED create a page on the PED/Harvard website featuring Epstein's photograph and links to Epstein's own website permitted Epstein to use the web domain for self-promotion. It also enabled Epstein to spread false information about his giving to Harvard. Professor Nowak's actions raise serious questions about whether he adequately considered Harvard's interest in seeing that its name is well used, and about whether he met his obligation to ensure that "any implied association" between Epstein and Harvard was accurate.

Professor Nowak permitted Epstein to use the PED website to burnish Epstein's image. We therefore recommend that Harvard report this finding to the Faculty Affairs Office in the Faculty of Arts and Sciences to determine whether the Committee on Professional Conduct or other disciplinary body should take further action.

Professor Nowak and PED's Chief Administrative Officer falsely informed a grant-making foundation that matching funds the foundation required for Nowak's 2016-2018 grant came from Enhanced Education. In fact, Enhanced Education, an Epstein foundation, had never provided matching for PED; in addition, by 2015, no funds from Epstein's 2003 gift to PED remained. It is unclear whether the foundation would have found the source of those funds—rather than the funds, whatever their source, were then available—important to its decision on the grant application.

Nevertheless, Professor Nowak knowingly approved PED's supplying false information to the foundation. We therefore recommend that Harvard report this finding concerning Professor Nowak's actions to the Faculty Affairs Office in the Faculty of Arts and Sciences to determine whether the Committee on Professional Conduct or other disciplinary body should take further action.

PED's Chief Administrative Officer also played a direct role in providing false information to the foundation. We therefore recommend that Harvard also report this finding to the FAS Assistant Dean for Human Resources to evaluate whether any further actions should be taken with respect to the CAO.